

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. _____**

REPUBLICAN NATIONAL COMMITTEE;
and NORTH CAROLINA REPUBLICAN
PARTY,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS' KAREN BRINSON BELL, in
her official capacity as Executive Director of
the North Carolina State Board of Elections;
ALAN HIRSCH, in his official capacity as
Chair of the North Carolina State Board of
Elections; JEFF CARMON, in his official
capacity as Secretary of the North Carolina
State Board of Elections; STACY EGGERS
IV, KEVIN N. LEWIS, and SIOBHAN
O'DUFFY MILLEN, in their official
capacities as members of the North Carolina
State Board of Elections,

Defendants,

and

THE DEMOCRATIC NATIONAL
COMMITTEE,

Intervenor-Defendant.

**NOTICE OF REMOVAL OF CIVIL
ACTION No. 24-CVS-26955-910
FROM WAKE COUNTY
SUPERIOR COURT**

TO: The United States District Court for the Eastern District of North Carolina

PLEASE TAKE NOTICE THAT Defendants remove Civil Action No. 24-CVS-
26955-910 from the North Carolina Superior Court for Wake County to this Honorable

Court, pursuant to 28 U.S.C. §§ 1331, 1441(a), 1443(2), and 1367(a). In support of this notice, Defendants state the following:

1. On August 23, 2024, Plaintiffs filed a complaint in North Carolina Superior Court for Wake County. Plaintiffs served their complaint on Defendants on August 27, 2024.

2. The complaint purports to allege violations of the Help America Vote Act (HAVA), Pub. L. No. 107-252, 116 Stat. 1666 (2002) *codified at* 52 U.S.C. § 20901, *et seq.*

3. Because Plaintiffs bring claims arising under the laws of the United States, this Court has original jurisdiction over Plaintiffs' claims. 28 U.S.C. § 1331.

4. The complaint further alleges that Defendants have refused to take certain actions. To the extent Defendants have indeed refused to take certain actions, their refusal was based on their obligation to comply with 52 U.S.C. § 10101(a)(2) and 52 U.S.C. § 20507(c)(2)(A).

5. Because Plaintiffs seek relief for Defendants' refusal to do an "act on the ground that [the act] would be inconsistent" with 52 U.S.C. § 10101(a)(2) and 52 U.S.C. § 20507(c)(2)(A), removal is proper. 28 U.S.C. § 1443(2).

6. The consent of the other defendants in this case is not required because removal does not proceed "solely under 28 U.S.C. § 1441." 28 U.S.C. § 1446(b)(2)(A). Nevertheless, Intervenor-Defendant the Democratic National Committee has informed Defendants that it consents to their removal of this action to this Court.

7. Because Plaintiffs served their complaint on Defendants on August 27, 2024, this removal petition is timely. 28 U.S.C. § 1446(b).

8. Pursuant to Local Rule 5.3(a)(1), copies of all process and pleadings in Defendants' possession are attached to this petition as separate distinctly titled exhibits. Defendants are also filing in the North Carolina Superior Court for Wake County notice of removal, as required by 28 U.S.C. § 1446(d), and has requested a complete copy of the state court file to be filed in this Court. A copy of that notice is included below

Wherefore, Defendants remove to this Court Civil Action No. 24-CVS-26955-910 from the North Carolina Superior Court for Wake County to the United States District Court for the Eastern District of North Carolina.

Respectfully submitted, this 23rd day of September 2024.

/s/ Sarah G. Boyce

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CERIFICATE OF SERVICE

I certify that the foregoing Notice of Removal was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to the below listed attorneys for Plaintiff, if registered, and I have served the document upon opposing counsel by mailing via the US Mail, first class, postage prepaid, addressed as follows:

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This the 23rd day of September, 2024.

/s/ Sarah G. Boyce
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Deputy Attorney General and General Counsel